



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

VIA FEDERAL EXPRESS

November 7, 2014

Ken Henderson CPCU
Hendersons, Inc.
6548 South Bright Avenue
Whittier, CA 90601

Re: 104 (e) Request for Information - Omega Chemical Corporation Superfund Site
Facility Property: 11862 Burke Street, Santa Fe Springs, CA
Insured: Earl Mfg. Co., Inc. and/or Claudette A. Earl

Dear Mr. Henderson:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Corporation Superfund Site (the "Site") located in Whittier, California. As part of its investigation EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, to identify activities and parties that have or may have contributed to contamination at the Site and to assess the ability of certain parties to pay for or clean up contamination.

EPA has previously issued General Notice Letters to Earl Mfg. Co., Inc. and Claudette A. Earl, an individual, respectively, notifying each of potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9601, et seq. as the former operator and current owner, respectively, of the facility located at 11862 Burke Street, Santa Fe Springs, California. EPA information indicates that Hendersons, Inc. attempted to place coverage for Earl Mfg. Co., Inc. and/or Claudette A. Earl from 1984 to 1988. EPA believes that you may have information which may assist EPA in its investigation of the Site.

We request that you provide a complete and truthful written response to this Information Request and questions in Enclosure B within **fourteen (14) calendar days** of your receipt of this letter. Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to:

Keith Olinger, Enforcement Officer
U.S. Environmental Protection Agency, Region IX
Superfund Division, SFD-7-5
75 Hawthorne Street
San Francisco, California 94105

Under Section 104(e) of CERCLA, 42 U.S.C. §9604(e), EPA has broad information-gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential business information (“CBI”), as described in Title 40 of the Code of Federal Regulations, Subchapter A, Part 2, Subpart B (40 C.F.R., §2.201, *et seq.*). Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality. Please be aware that EPA will maintain information consistent with the Privacy Act of 1974, 5 U.S.C. §552a, as amended.

This request for information is not subject to review by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act because it is not an “information collection request” within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this Information Request, please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909, or Keith Olinger, Case Development Enforcement Officer, at (415) 972-3125. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Wayne Praskins at (415) 972-3181.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script that reads "Kathi Moore".

Kathi Moore, Manager
Case Development/Cost Recovery Section
Site Cleanup Branch
Superfund Division

Enclosures (2)

cc: Steve Berninger, EPA
Wayne Praskins, EPA
Keith Olinger, EPA

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained. For the definition of “you” and other terms, please see the Definitions section below.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
 - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
 - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Department of Toxic Substances Control/
California Environmental Protection Agency

ENCLOSURE A

Toeroek Associates, Inc.
EPA Contract Number EP-BPA-11-W-001

Science Applications International Corporation
EPA Contract Number EP-BPA-11-W-001

CH2M Hill, Inc.
EPA RAC Contract Number EP-S9-08-04

Toeroek Herndon Joint Venture
EPA Contract Number EP-R9-12-02

Gilbane Federal
EPA RAC Contract Number EP-S9-08-03

Techlaw
EPA ROC Contract Number EP-W-07-066

CB&I / Shaw Environmental & Infrastructure, Inc.
EPA RAC Contract Number EP-S9-13-02

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Respondent” should be interpreted to include the addressee of this Information Request, and its officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.

4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “document” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS (INFORMATION REQUEST)

Note: The term “Property” refers to the property located at 11862 Burke Street, Santa Fe Springs, California.

1. State the full name, address, telephone number, positions(s) held by and tenure of the individual(s) answering any of these questions on behalf of Hendersons, Inc. concerning the matters set forth herein.
2. Identify all property, pollution, casualty, environmental and/or liability insurance policies, and any other insurance contracts referencing the Property or facilities located at the Property, held by Earl Mfg. Co., Inc. and/or Claudette A. Earl from the time Earl Mfg. Co., Inc. and/or Claudette A. Earl assumed ownership and/or operation of the Property until the present. In identifying such policies, state:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The effective dates for each policy;
 - d. The per occurrence policy limits of each policy;
 - e. A description of the insured’s efforts to file any claims relating to soil and/or groundwater contamination at the Property, under each policy, as well as the outcome of such efforts; and
 - f. Identify all insurance brokers or agents who placed insurance for Claudette A. Earl. Identify by name and title, if known, individuals at the agency or brokerage most familiar with the property, pollution, casualty, environmental and/or liability insurance program and the current whereabouts of each individual, if known.
3. Provide copies of all casualty, liability and/or pollution insurance policies in your possession issued to Earl Mfg. Co., Inc. and/or Claudette A. Earl, including but not limited to comprehensive general liability, primary, umbrella and excess policies, as well as any environmental impairment liability or pollution legal liability insurance.
4. If there are any casualty, liability and/or pollution insurance policies issued to Earl Mfg. Co., Inc. and/or Claudette A. Earl of which you have any evidence, or of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The per occurrence or per accident policy limits of each policy;

- d. Whether each such policy is “primary” or “excess”; and
 - e. The commencement and expiration dates of such policy.
5. To the extent not identified in Questions 2 - 4 above, provide all other evidence of casualty, liability and/or pollution insurance issued to Earl Mfg. Co., Inc. and/or Claudette A. Earl.



December 9, 2014

Dear Customer:

The following is the proof-of-delivery for tracking number **594833003170**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	B.BROWN	Delivery location:	6548 BRIGHT AVE WHITTIER, CA 90601
Service type:	FedEx Priority Overnight	Delivery date:	Nov 10, 2014 09:17
Special Handling:	Deliver Weekday Direct Signature Required		

Shipping Information:

Tracking number:	594833003170	Ship date:	Nov 7, 2014
		Weight:	0.5 lbs/0.2 kg

Recipient:

Ken Henderson
Hendersons Inc.
6548 South Bright Avenue
WHITTIER, CA 90601 US

Reference**Shipper:**

Omega
Toeroek Associates, Inc.
1300 Clay Street
Suite 450
Oakland, CA 94612 US
9190-006

Thank you for choosing FedEx.